

S/N: 10/028,093  
Response dated 2/14/06  
Response to Office Action dated 12/13/04

### **REMARKS**

Claims 1-7 remain pending. Applicant respectfully requests reconsideration of the pending rejection based on the following comments.

#### **Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,454 to Ralston et al. ("Ralston") in view of U.S. Patent Application Publication No. 2002/0007287 to Straube et al. ("Straube"). In discussing the Ralston and Straube references, Applicant is making no admission that these references have a filing date that predates the present invention.

Claims 1 and 5 each recite that a server system is to receive a task request from a client and the server system is to determine if schedules associated with patient identification and resource identification information of the task request are stored in the local memory of the server system, and to load the schedules from a database if the schedules are not stored in the local memory. The latest Office Action states that Straube shows this feature. A review of Straube shows that this feature is not described or taught therein as well. Looking at paras. 37-38 of the reference they state as follows:

When a user enters information into the present invention, the client 101, 103 may store a copy of the information on the local computer 101, 103 as well as on the database server 111 or in one of the databases 108, 110, 112.

If a user requests information from a database server 111 and the result yields a large block of data, such as an image, the client software may first check for a local copy of the data. If a local copy exists, date and time stamps or other identifiers can be compared. If the identifier comparison shows that data stored in the data warehouse 112 is newer than that which is stored locally, the data is downloaded from the data warehouse 112. However, if the local copy has the same identifier or is newer than the copy on the database server 111, the local copy may be used, thus avoiding a lengthy download. (Emphasis supplied).

The current Office Action states as follows:

Straube discloses that the client 101 and 103 may store a copy of the information on local computer and 103 **as well as** on database server 111 **or** in databases 108, 110, and 112 (¶ 0037). Further, Straube discloses the user requesting information from database server 111, wherein the system first checks for database server 111 first (i.e., local to the server), before retrieving the information from data warehouse 112 (¶ 0038).

This is simply not the case. As stated previously, “client software” as used in these paragraphs refers to software running on the client’s computer such as elements 101 and 103 in Fig. 1 (see Para. 33). The term “local” refers to the client computer (see para.25). The system is a client/server model (see Para. 31). Though it is true that the client can store data locally or in the remote database (Para. 34), Paras. 37-38 refer to the client determining whether the client has the data or whether it needs to download the data from the server 111/database 112.

The feature in the claims of the server receiving a task request from a client and the server determining whether the requested data is stored local to the server or not is neither disclosed nor suggested by the Straube and/or Ralston references.

Since neither of the references teach or suggest determining, at the server system, whether schedules associated with the patient identification and resource identification are stored

S/N: 10/028,093  
Response dated 2/14/06  
Response to Office Action dated 12/13/04

in local memory to the server system, reconsideration and withdrawal of the rejection of claims 1-7 under 35 U.S.C. § 103(a) is respectfully requested.

### CONCLUSION

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Dated: \_\_\_\_\_

2/15/06

By: \_\_\_\_\_



Shawn W. O'Dowd (Reg. No. 34,687)

KENYON & KENYON  
1500 K Street, N.W.  
Suite 700  
Washington, DC 20005  
(202) 220-4200 telephone  
DC1-599226